GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:6026
ANSWERED ON:11.04.2017
Rights of Children with Special Needs
Sigriwal Shri Janardan Singh

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the Government has taken steps to ensure the rights of the children with special needs including those having Autism Spectrum Disorder in the country and if so, the details thereof including educational facilities;

(b) whether the Government has put in place any monitoring mechanism to prevent the violation of the rights of such children and if so, the details thereof including the institutions set up for the purpose;

(c) whether the Government has taken cognizance of incidents of violation of the rights including educational rights of the children with special needs in the country and if so, the details thereof; and
(d) the action taken by the Government in this regard along with the steps being taken to prevent the recurrence of such incidents?

Answer

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT

(SHRI KRISHANPAL GURJAR)

(a) The Government enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 which provides for various entitlements for persons with disabilities and mandates the appropriate Government to take measures for inclusion and empowerment of persons with disabilities. Section 26 of the Act mandates the appropriate Government and local authorities to ensure that every child with disability has access to free education in an appropriate environment till he/she attains the age of eighteen years.

The Central Government has set up the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple disabilities in 2000 through an Act of Parliament. The National Trust implements schemes for welfare of these classes of disabilities. The main objective of National Trust is to ensure the rights of the persons with special needs including those having autism spectrum disorder, cerebral palsy and mental retardation and multiple disabilities in the country to lead an independent life with dignity. To fulfill this
objective, National Trust supports and strengthens NGOs/ other service providers and appoints
legal guardians to take care of the needs of persons with disabilities. The major activities of National Trust include training and awareness programme, capacity building programmes & shelter, care giving & empowerment programmes.

The National Trust implements the following schemes for the purpose of educational facilities:
(i) Disha: This scheme provides early intervention and school readiness programme between 0-10 years children. The children with disabilities and their parents are trained for this purpose under the scheme.

(ii) Gyan Prabha: This scheme aims to encourage people with autism, cerebral palsy, mental retardation and multiple disabilities for pursuing educational/ vocational courses like graduation courses, professional courses and vocational training leading to employment or self-employment. National Trust provides a specific amount per course to a PwD which generally covers fees, transportation, books, out of pocket expenses (OPEs) etc.

Further, Ministry of Human Resource and Development, Department of School Education and Literacy implements Inclusive Education of the Disabled at Secondary Stage (IEDSS), a component of Rashtriya Madhyamik Shiksha Abhiyan (RMSA) scheme to enable all students with disabilities completing eight years of elementary schooling an opportunity to compete four years of secondary schooling in an inclusive and enabled environment and provide educational opportunities and facilities to students with disabilities in the general education system at the secondary level (class IX-XII) in Government schools. The scheme covers all children passing out of elementary school and studying at the secondary stage in Government, local body and Government-aided schools, with one or more disabilities as defined under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (PwD) Act, 1995, and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple disabilities Act, 1999.

(b) The Government has appointed the Chief Commissioner for Persons with Disabilities in terms of Section 57 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 who is responsible to look into complaints with respect to matters relating to deprivation of rights of persons with disabilities, non-implementation of laws, rules, bye-laws,

regulations, executive orders, guidelines or instructions made or issued by the appropriate Government and local authorities for welfare and protection of rights of persons with disabilities and take up the matter with the appropriate authorities. The Act provides for appointment of Commissioners by the States to monitor implementation of the Act at the State level.

(c) & (d) As per information available from Office of Chief Commissioner for Persons with Disabilities (CCPD), 5161 cases were registered in the Office of CCPD regarding violation of various provisions of the PwD Act, 1995 including educational rights of the children with disabilities during the last three years i.e. 2014-15, 2015-16 and 2016-17. The cases were taken up by O/o CCPD with the respective authorities/organizations and made them aware about the
provisions of the PwD Act, 1995 and the Government instructions.

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